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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,275	12/17/1999	MURALI PARTHASARATHY	5150-18302	9971

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EXAMINER
CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/466,275	PARTHASARATHY ET AL.	
	Examiner	Art Unit	
	John Q. Chavis	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12-17-99, 9-20-00, 9-26-00* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2-4* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is too long. Correction is required.

See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the claim does not end in a period; therefore, it is not clear if other elements should follow (possibly inadvertently omitted) or if the claim should end with the limitations presented. Correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-8, 11-18, 21-26, 29-34, and 37-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Fowlow et al. (5,991,535). The applicant claims a method and system for visually creating a graphical program. The features of the applicant's claims are now presented in a side by side manner with the teachings of Fowlow.

Claims	Fowlow
1. A computer implemented method for creating a graphical data flow program, wherein the graphical data flow program is operable to invoke a method of an object,	See the title and the abstract of the invention.
wherein the method for creating the graphical data flow program operates in a computer including a display	See the functional part of fig. 1 in view of fig. 2.

and a user input device,	See again fig. 2.
the method for creating the graphical data flow program comprising:	See again the abstract.
displaying on the screen a node in the graphical data flow program in response to user input,	See the icons in col. 3 lines 41-59.
wherein the node is operable to invoke a method of an object;	See in the location above the making of a selection **action** on one of the icons.
configuring the node to receive information on the object in response to user input,	Note also the defining (configuring) a connection between a plug (output) and a socket (input), col. 4 lines 50-53.
wherein said configuring comprises connecting the information on the object to an input of the node;	This is inherent in the cited portions of the configuring function above.
wherein, during execution of the graphical data flow program, the node is operable to invoke the method of the object.	See col. 3 lines 35-41 and col. 4 lines 51-56.
2. The computer implemented	See again the configuring function

method of claim 1, wherein the node includes an object reference input for receiving a reference to the object;	in claim 1.
wherein said configuring comprises connecting said object reference input of the node to receive the reference to the object;	See col. 6 lines 32-37.
wherein the node receives the information on the object on the object reference input during execution of the graphical data flow program.	See col. 6 lines 43-56.
3. The computer implemented method of claim 2, wherein said configuring comprises: displaying on the screen an object reference node which includes an object reference output that provides the reference to the object; and	See col. 10 lines 53-62.
connecting the object reference output of the object reference node to the object reference	See the last two lines of the abstract.

input of the node.

4. The computer implemented method of claim 3, further comprising: executing the graphical data flow program, wherein said executing includes propagating the reference to the object from the object reference output of the object reference node to the object reference input of the node	See col. 2 line 53-3 line 3 and col. 3 lines 25-41. Also, see col. 11 lines 1-27.
5. The computer implemented method of claim 1, further comprising: executing the graphical data flow program, wherein said executing includes propagating the information on the object to the node.	See the rejection of claim 4.
6. The computer implemented method of claim 1, wherein the object is comprised in a server, wherein said configuring comprises: displaying on the screen a list of libraries associated with one or more servers;	See again col. 11 lines 1-27, the passing feature indicates that the reference information is being retrieved from an external location. Col. 6 lines 16-37 indicate that information is retrieved via an ORB, from a server in a distributed environment (one or more

	servers).
selecting a library from the list of libraries in response to user input displaying on the screen a list of possible classes from the selected library;	See the catalog (library) in the cited portion of col. 6 above. The preexisting objects (col. 10 lines 53-62) and the boilerplate code (classes) providing a framework (col. 11 lines 29-62) to enable features to be inherited (col. 12 lines 2-13) from possible classes.
selecting a class from the list of possible classes in response to user input;	See col. 16 lines 4-13, which indicates that a new object is created (instantiated) with new features.
wherein the object is instantiated from the class.	" " " " "
7. The computer implemented method of claim 1, further comprising: constructing execution instructions in response to the graphical data flow program, wherein the execution instructions are executable to invoke the method of the object;	see col. 16 lines 9-16 and lines 20-26.
and executing said execution instructions, wherein the node invokes the method of the object	See again the abstract.

during said executing.

8. The computer implemented method of claim 7, wherein said executing includes propagating the information on the object to the node.	See again col. 11 lines 1-27.

Claims 11-18 are rejected as claims 1-8 above. The invoking of a property is equivalent to invoking a method in an object oriented environment since the coexist inside the object, col. 1 lines 40-59. See also col. 4 lines 13-29.

The features of claims 21-24 and 29-32 are taught via claims 1-4 with the memory medium inherent to enable access to preexisting code and data, as indicated above.

As per claims 25-26 and 33-34, see the rejection of claims 7-8 in view of the rejection of claim 21.

In reference to claims 37-38, see the rejection of claims 1-2 in view of claim 21.

The patent to Chow (6,038,395), although not specifically cited is considered pertinent to the applicant's disclosure.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 9-10, 19-20, 27-28 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow as applied to claim 1 above, and further in view of Meyer (5,940,296).

Claims	Fowlow/Meyer
9. The computer implemented method of claim 1, wherein the graphical data flow program is operable to invoke the method of the object for performing instrumentation functions on an instrument.	In reference to the instrumentation function, Fowlow does not teach or suggest the feature. However, Meyer teach the feature in a system for interactively developing a graphical control flow structure in a machine vision system, without the user having to write code to control the devices of fig. 2, see the title and the abstract. Meyer teach that this type of development environment simplifies the creation of programs by reducing the possible syntax errors that could occur. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify

	Fowlow with the teachings of Meyer for the same reasons, see col. 4 lines 7-22.
10. The computer implemented method of claim 1, wherein the graphical data flow program includes a block diagram and a front panel, wherein the block diagram includes the node.	The block diagram feature is a part of both systems; however, Fowlow does not teach or suggest the front panel feature; however, the feature is considered a part of the Instrumentation system. Therefore, this claim is rejected as claim 9 above.

Claims 19-20, 27-28 and 35-36 are rejected as claims 9-10, respectively.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Chavis whose telephone number is 703-305-9665. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3900.

Jqc
September 5, 2002

John Charis.
Patent Examiner